

**FILED**

UNITED STATES COURT OF APPEALS

APR 12 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

RONALD SMITH,

Appellant - Petitioner,

v.

MICHAEL MAHONEY,

Appellee - Respondent.

No. 94-99003

D.C. No. CV-86-00198-CCL  
U.S. District Court for Montana,  
Missoula

ORDER

**DEATH PENALTY CASE**

Before: Peter L. Shaw, Appellate Commissioner.

The request by appointed counsel Cliff Gardner, Esq., that the court establish compensation rates is granted. Counsel shall be compensated as follows for the periods set forth below:

\$170 per hour	January 1, 2008 - March 10, 2009
\$175 per hour	March 11, 2009 - December 31, 2009
\$178 per hour	January 1, 2010 and thereafter

Counsel shall additionally be compensated at any higher rate established for counsel in capital cases.

The voucher has been certified for the full amount claimed, as audited by the Clerk.